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REMARKS

Reconsideration of the application and entry of the amendments is requested. The following documents accompany this response:

1. Transmittal Letter
2. Extension of Time and Fee
3. Microorganism Declaration
4. Sequence Listing
5. Statement under 37 C.F.R. §1.825(a)
6. Statement under 37 C.F.R. §1.825(b)
7. Computer Readable Form (CRF)
8. Claims - Appendix A

Claims 2-5, 10-12 and 30 have been deleted. Claims 1 and 26-29 remain in the application. A substitute Sequence Listing accompanies this Amendment. It is understood that this Sequence Listing lists all of the sequences in the application, and the sequences are referenced by the sequence identifiers in the application. It is understood that the application now complies with the requirements of 37 C.F.R. §§1.821 through 1.825.

Rejections Under 35 U.S.C. §112

Claim 3 is rejected as being indefinite for failing to particularly point out and claim the subject matter which Applicants regard as the invention. Without considering the merits of the rejection, claims 3 has been deleted thus obviating the rejection based thereon.

The specification is objected to and claim 3 rejected for failing to provide an enabling disclosure because the specification does not provide a repeatable method for obtaining ATCC #75010 and it does not appear to be readily available material. Submitted herewith is a Declaration by the undersigned attorney stating that the deposit has been made under the terms

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of the Budapest Treaty and that all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of a patent. Furthermore, the full address of the ATCC has been added to the specification. It is therefore understood that the deposit requirements under 37 C.F.R. §1.808 have been satisfied.

Claims 1-5, 10-12 and 26-30 are rejected as the disclosure is enabling only for claims limited to wherein a disulfide-linked dimer is formed wherein each of the two subunits comprises at least portions 4-142 of SEQ ID NO:14. Claims 2-5, 10-12 and 30 have been deleted. Claim 1 has been amended to recite the sequences of SEQ ID NOS:1-3 and further characterize the protein as a disulfide linked dimer and by molecular weight and activity. The claimed invention therefore indicates amino acid sequences necessary for activity, molecular weight and the requirement of conformation as a disulfide linked dimer wherein each subunit contains the sequences recited in the claim. It is understood that the claims as amended are commensurate with the enablement of the specification.

Rejections Under 35 U.S.C. §102

Claims 1-5, 10-12 and 30 are rejected under 35 U.S.C. §102(e) as being anticipated by US 5,266,683 ('683). Claims 26-29 are rejected under 35 U.S.C. §102(e) as anticipated by US 5,354,556 ('557).

As set forth above, claims 2-5, 10-12 and 30 have been deleted. Remaining claims 1 and 26-29 are based on disclosure in application USSN 07/525,357 filed May 16, 1990 for which applicants have claimed the benefit of priority in the present application. Although the '683 and

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exists. It is therefore submitted that the claimed invention is not obvious over the '691 patent in view of Zoller et al.

CONCLUSION

In view of the foregoing remarks and amendments, Applicants respectfully request reconsideration and withdrawal of the rejections of record and issuance of the claims. Should the Examiner believe that a telephonic interview would assist in clarifying any remaining issues, or to otherwise expedite prosecution, Applicants respectfully invite the Examiner to call the undersigned attorney at the telephone number provided below.

If any fee is due in regard to this paper, Applicants hereby authorize payment of such fee from Deposit Account No. 07-1060.

Respectfully submitted,



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